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60,298-521; 266

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Herbert, Jay Andrew  
Serial No.: 10/827,466  
Filed: April 19, 2004  
Group Art Unit: 3746  
Examiner: Weinstein, Leonard J.  
Title: PERMANENT LOW COST RADIO FREQUENCY  
COMPRESSOR IDENTIFICATION

**REPLY BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed May 7, 2007.

Applicant will only respond to a few select points without repeating its arguments in its Appeal Brief.

A. **The rejection of claims 1-19 and 21-22 under 35 U.S.C. §103(a) is improper.**

As a preliminary matter, the Examiner readily concedes that *Blotenberg* does not teach a wireless receiver mounted on a compressor. [Examiner's Answer (5/07/08), p. 4]. Hence, because neither *Blotenberg* nor *Hahn* teaches a wireless receiver mounted on a compressor, claims 1-19 and 21-22 must be allowed.

The Examiner seeks to modify the receiver of *Hahn* to receive a wireless signal. Even assuming the microprocessor 26 of *Hahn* to be a "receiver," *Hahn* obtains sensor signals locally

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from the compressor through wires so there would be no reason make the microprocessor 26 a receiver of wireless signals in the first place. Indeed, such a modification would destroy *Hahn* as the microprocessor of *Hahn* receives signals from the compressor itself to control its operation, not signals from a remote location. Eliminating reception of these sensor signals would prevent *Hahn* from obtaining compressor fault information, which is the intended purpose of *Hahn*. [*Hahn*, ¶ 8].

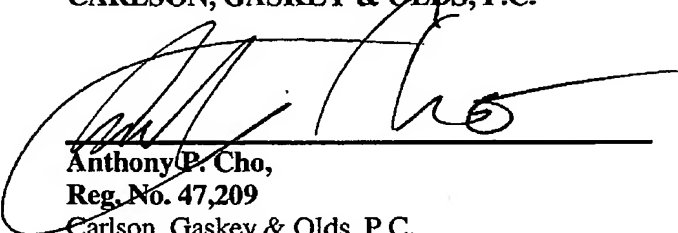
The Examiner argues that it would obvious to modify *Hahn* in view of *Blotenberg* for the purpose of "adjusting compressor control parameters from a central or off-site location." [Examiner's Answer, p. 5]. This purpose of remote control of a compressor is at cross-purposes with the local control of *Hahn*. Again, modifying *Hahn* to receive signals from an off-site location destroys its ability to receive signals at the site of the compressor.

For the foregoing reasons, the final rejection of claims 1-19 and 21-22 is improper and should be withdrawn. Claims 1-19 and 21-22 are in condition for allowance.

Respectfully submitted,

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July 7, 2008  
Date

  
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**CERTIFICATE OF FACSIMILE**

I hereby certify that this Corrected Appeal Brief, relative to Application Serial No. 10/827,466, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on July 7, 2008.

  
Theresa M. Palmateer